(Sri L. Srikantiah stood up again to speak)

Mr. SPEAKER.—The Professor seems to know more things in his subject, bot not this. Will he kindly read that rule which says hat when the Speaker is on his legs, however long it may be, nobody should get up and speak.

I am trying to understand whatever has been said. Every word, and every syllable, goes into record. That is why the Legislature reporters are there. I will hear everybody. When it is said Members have come on this side, Members on this side say that the Members have come in on the other side.

Sri AZEEZ SAIT.—Nobody can say that. A member came in after the counting was over on this side. But members came in after the counting began on the other side, and members began to stand up in their seats.

ಶ್ರೀ ಪಾಟಾಳ್ ನಾಗರಾಜ್.—(ಚಿಕ್ಕಪೇಟೆ) ಆ ಕಡೆಯಿಂದ ಕಾಂಗ್ರೆಸ್ಸಿನವರು ಬಂದರು. ನಾನು 4 ಜನರನ್ನು ನೋಡಿದೆ. ಅದರಲ್ಲಿ ಒಬ್ಬರು ಮಿನಿಸ್ಟರು ಬಂದರು.

Mr. SPEAKER.—Did I call upon anybody to get up and speak. I see half a dozen members get up simultaneously. If one gets up, others should resume their seats. But now one ignores the other and goes on repeating the same thing. It cannot be permitted. Every one of you must ask for my permission and when a member catches my eye then alone I will call upon him to speak. Otherwise it will not be possible to carry on the business.

Sri L. SRIKANTIAH (Nanjangud).—What has happened is when the votes are being counted, some members came into the Hall. But last time when the election of the Hon'ble Speaker took place, doors were closed. Now doors are kept open. They want to take into consideration votes of those who were not present when the motion was actually put to vote. Therefore, the whole election is vitiated.

Sri S. R. KANTHI.—May I suggest a way out ? Since division has been asked, the bell may be rung for a couple of minutes and division taken once again.

Sri AZEEZ SAIT.—When you ordered the opposition to stand in their seats for counting, nobody entered the Hall but only when the counting was completed, one Hon'ble Member entered the Hall. But when the actual counting on the Treasury Benches started, some members including an Hon'ble Minister walked into the House. I brought it to your notice. We know our responsibility and we have been trying to co-operate with the Chair. But the Chair misunderstands us if something serious has happened. I assure the Chair that we are most loyal and most obedient to the Chair. It is only the Treasury Bench that is breaking the law because law is in their own hands and they require to be pulled up.

Sri G. DUGGAPPA.—Mr. Speaker, today, from the very beginning it is most unfortunate that we notice that all the rules and procedure that were adopted in this House were not being followed.

Mr. SPEAKER.—The member is treading on dangerous ground. If he wants to cast reflection on the Chair he is at liberty to do it.

Sri G. DUGGAPPA.—That is not at all my intention.

Sri H. SIDDAVEERAPPA.—He says that rules were not followed by us and not by the Chair.

Sri G. DUGGAPPA.—Yes. Before the division was taken, the bell was not rung. The doors which were usually closed were kept open. In spite of it, we simply obeyed. What happened was when the votes on the other side were being counted, about half a dozen Hon'ble Members including a Minister entered the Chambers. Therefore, I only submit to the Chair that the entire procedure we followed today is not in conformity with the procedure. Therefore, I leave it to the Chair.

Mr. SPEAKER.—Now we will begin the whole thing afresh.

Sri G. DUGGAPPA.—I submit that the whole thing should be conducted afresh.

Sri S. SHARANGOUDA INAMDAR.—I want to say something.

(At this stage Sri Azeez Sait also got up)

Mr. SPEAKER.—When the Speaker is standing nobody can get up Even if I speak non-sense the members may bring a resolution and say that this non-sensical Speaker is not wanted but now no one can open his mouth.

1-30 P.M.

Sri S. SHARANGOUDA INAMDAR.—I shall quote the Rule Sir:

> Rule 7 (3) "Such notice shall be delivered to the Secretary in person by the candidate's proposer or seconder and a notice not so delivered in person shall not be valid.
>
> (4) A member in whose name a motion stands in the list of business may when called, move the motion or withdraw the motion, in which case he shall confine himself to a mere statement to that effect.
>
> (5) The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary by division. If any motion is carried the person presiding shall, without putting latter motions, declare the member proposed in the motion which has been carried has been chosen as the Speaker.

I want to say something about this para Sir. The chair is kind enough to put it to vote and it has taken the voice vote. After the voice vote, when the Division was pressed.....

Mr. SPEAKER.—Under which rule is the Hon'ble Member asking me to take the voice vote ?

Sri S. SHARANGOUDA INAMDAR.—The procedure is like that. After the voice vote, if division is pressed, then the Bell will ring and after two minutes, the doors will be closed and after that the counting would start and no Member would be allowed to come inside the House. This is the procedure adopted during the Speaker's election. Now I bring to your kind notice that after the voice vote, when division was pressed...

Mr. SPEAKER.—Nobody asked for a division. I myself said, stand up.

Sri S. SHARANGOUDA INAMDAR.—No time was given for adopting the procedure, because in a hurry, we were asked to stand up.

Mr. SPEAKER.—Was it the duty of the Chair to remind members to demand division ?

Sri AZEEZ SAIT.—Sir, division was demanded by my friend the Professor. It is in record. The chair can verify, Sir. I only intervened to help the Chair.

Sri L. SRIKANTIAH.—On a point of order Sir. Now the election has not been held and the question now before the House is whether re-election shall take place or not. My submission, is because election could not take place to-day that it cannot take place to-day again and it shall be postponed.

Mr. SPEAKER.—Has the professor got any rule in support of his argument ? Is he relying on any rule for this point of order ?

Sri L. SRIKANTIAH.—There is no rule Mr. Speakar. It is the convention.

Mr. SPEAKER.—Members seem to be ignoring that they are in the Legislature.

Sri S. SHARANGOUDA INAMDAR.—When the voice vote was declared I said some one asked for a division.

Mr. SPEAKER.—By whom was it asked ?

Sri S. SHARANGOUDA INAMDAR.—By the Speaker.

Mr. SPEAKER.—Does it mean that the Speaker asked for a Division? The Member may kindly read the rules.

Sri K. PUTTASWAMY (Minister for Public Health and Housing).—May I submit Sir, that the Division Bell—I do not know whether it was rung—it was not heard by persons sitting outside. Therefore when the division Bell is not rung, the doors are not closed, every Member has a right to enter the House except when the Speaker is standing. Therefore some of us came late because we did not hear the division Bell ringing and any other Member in this House cannot take objection.

Mr. SPEAKER.—This is a very interesting subject. If Members want to study, I will allot a day for this subject. The whole trouble arises because we are thinking that this is an ordinary motion on which Members can be shut out. If a motion is there, it is the duty of the Members to be present and participate, in the debate or vote as they like. But if it is an election, how am I to shut out anybody, I do not understand !

Sri R. N. LAKSHMIPATHI (Gowribidnur).—During the last five years, it was the custom to ring the division bell. Now Sri Puttaswamy himself says that the procedure was not observed.

Sri S. R. KANTHI.—What you did was, you wanted to ascertain the "ayes" and "nos" and with that object you asked the members to stand up.

Mr. SPEAKER.—The whole trouble arises because we are trying to think as if it is a point for Debate. Has there been a debate now and are we collecting the voice votes for taking a decision one way or the other ? This is an election provided for under the Constitution. Whenever there is a vacancy in the office of the Deputy Speaker, an election has to be held. The procedure for an election is so well known. It is the inherent right of every Member to come and vote before the election is over. Nobody can be shut out. What do we do in every election. Even in the case of every election, I believe, if anybody has come late, before the counting time, he is entitled to exercise his franchise. Members make the mistake of treating this like ordinary motion.

Sri H. SIDDAVEERAPPA.—May I make a submission Sir ? This motion has to be treated as any other motion and the procedure to be followed is the same as in the case of other motions.

Mr. SPEAKER.—I want the Hon'ble Member to substantiate it, because it is a statutory right. How am I to deprive any one of his right. I would like to be told how it is possible to take away that right.

Sri H. SIDDAVEERAPPA.—Under rule 8 we elect the Deputy Speaker. Under that rule the procedure to be followed is the same as mentioned under rule 7, namely the procedure that we follow in the case of election of Speaker. Under rule 7 it is clearly said in sub-clause (5). When these motions are moved, they "shall be put one by one in the order in which they have been moved and decided if necessary by division."

Mr. SPEAKER.—As in other motions, there is no debate here.

Sri H. SIDDAVEERAPPA.—There cannot be any debate when we come to division under rule 307. That is the rule that applies here. The procedure that we follow for division is the same that is laid down under Rule 307. Sub-rule (1) says "On the conclusion of a debate, the Speaker shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No".

Mr. SPEAKER.—On the conclusion of a debate.

Sri H. SIDDAVEERAPPA.—Now the point is whether there is a lacunae as to the procedure to be followed in respect of the election of the Deputy Speaker. May I submit another suggestion, a way out? We have other business and instead of taking up much time of the House, I would submit that there are two ways. One is—it is not an auspicious day for the election of the Deputy Speaker. We may put it off for another day. If you cannot do it, the only other way is to invoke the inherent right that is given to you under rule 325. The residuary powers are there in any situation. The Chair may invoke this inherent right and as I have suggested it may be commenced *denovo* or afresh, if you feel that way. Otherwise, I do not see any way out of it. I would suggest the former way for your acceptance, and I personally feel we should not it to-day.

†Sri S. R. KANTHI.—Sir, there are no insuperable difficulties. I will suggest a way out. What you did so far is to ascertain the "Ayes" and "Nos" either by voice or asking us to stand, You did not take a division.

Sri R. N. LAKSHMIPATHI.—A Division was pressed for by the members.

Sri S. R. KANTHI.—No, Sir. It was not asked for. A Division was not asked for and the bell was not rung, and when the doors were open, members were allowed. The alternative for the Hon'ble Chair is, if they ask for division, to ring the bell.

Mr. SPEAKER.—I want to know how I can get the bell rung at all.

Sri S. R. KANTHI.—Sub-rule (5) of rule 7 says

> "the motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary by division."

If there is a necessity for division, you may grant the division.

Mr. SPEAKER.—How can I ring the bell and get the doors closed ?

Sri S. R. KANTHI.—The chair has to ring the bell.....

Mr. SPEAKER.—Under what provision ?

Sri S. R. KANTHI.—Rule 304 is there—decide if necessary by division. This has been defined in the rule itself.

Mr. SPEAKER.—The Hon'ble Minister is not telling me anything new,

(*Interruption*)

Sri S. R. KANTHI.—Rule 307 (1) says "on the conclusion of a debate"—there is no debate here, I agree—"the Speaker shall put the question and invite those who are in favour of the motion to say "Aye" and those against the motion to say "No". Then there is sub-rule (2) :

> "The speaker shall then say "I think the Ayes (or the Noes, as the case may be) have it". If the opinion of the Speaker as to the decision of a question is not challenged, he shall say twice : "The Ayes (or the Noes, as the case may be) have it" and the question before the Assembly shall be determined accordingly".

Sri R. N. LAKSHMIPATHI.—When voice vote was taken, Mr. Srikantiah said that a division should be taken.

Sri S. R. KANTHI.—I have not yet finished. The sub-rule (3) says that "if the opinion of the Speaker as to the decision of a question is challenged, he shall arrange to have the division bell rung for two minutes". Whether there is a debate or not, the division bell has to be rung if the division is asked for. The word "division" is used in rule 7 (5), and that means all the procedure contemplated under rule 307 for a division should apply.

Sri R. N. LAKSHMIPATHI.—If the normal procedure had been applied, definitely our candidate would have won.

Sri L. SRIKANTIAH.—The word 'division' occurs in rule 7 (5) and it again comes under rule 307. Under rule 307, the procedure for taking a division applies only after a debate. Therefore it is clear that rule 307 is not applicable to rule 7 (5). Sub-rule (5) of rule 7 says "The motions which have been moved and duly seconded shall be put one by one in the order in which they have been moved and decided if necessary by division." I asked for a division. If a division is asked for, the procedure is contemplated under rule 307. The only question is whether division bell was rung and the doors were closed.

Sri M. RAMAPPA (Hosaduga).—I would like to bring to the notice of the Hon'ble Chair that under rule 307, what you have done is correct. This gives the discretion to the Speaker in exceptional cases. Rules 307 gives the details for taking a division. The intention of this rule is to give the discretion to the Speaker in certain exceptional circumstances. The exceptional case here is, as you have already observed, this is an election. The fundamental right of a member should not be taken away by closing the doors. Therefore the Speaker is correct in not closing the doors and not ringing the bell.

Sri G. DUGGAPPA.—I refer to rule 307 (6). Now we have to determine the manner in which votes have to be taken, My suggestion is, you may take the votes by ballot so that you may give an opportunity within the Chambers of this House to Members to exercise their opinion.

Sri S. PUTTASWAMY (Chamarajanagar).—Sir, notice was given in regard to the election of the Deputy Speaker to all the Members of this House and the Motion was moved and division was pressed. Then, it was the duty of every Member of this House to be present at the time of division. This did not happen and most of the Congres Members entered into the House at the time of counting which is not proper.

Mr. SPEAKER.—Now, I will give my ruling and there should be no interruptions. A very peculiar situation arises for several reasons. One is, perhaps, that I was not very rigid in observing the rules. To that extent, I am at fault and it should go into record like that. The second is, Members are having some different opinion with regard to the interpretation. The third is, failure to note the difference between the Motion before the House on which there is no debate and which is in respect of election of Deputy Speaker and the normal Motions which are followed by a Debate and on which a vote is to be taken. And the fourth is with regard to the powers of the Speaker to follow the procedure with such variations as may be necessary in his opinion to ascertain the final verdict of the House.

It was suggested that a division has to be taken and reference was made for understanding the concept of the word 'division' to rule 307. Rule 307, no doubt, uses the word 'division' but it does not mean that the earlier portion of rule 307 namely "on a conclusion of a debate" is to be totally ignored. If one has to take the rule, he must take it in entirety or he must take the basic principle behind it and apply as an equitable principle. If not, it means the rules existing to-day are incomplete or lacking in some principles. That is not the only aspect on which I have felt that the rules require a review and I therefore, proposed to constitute a Committee to deal with the revision and amendments to the rules.

To solve the problem that has arisen to-day, two things were suggested. One was to postpone. The election. But, I do not find any need for it because the attendance in the House indicates that the Members are present and if they are absent, I do not think anybody else can be held responsible for it.

The other suggestion was that the whole thing might be done afresh. I believe that is the right thing to do and I propose to do it now. But still I have in my mind a doubt whether I can shut out any Member during the brief period during which the counting is to be done. I will go to the extent of saying that after the Ayes have been counted, even after the Noes have been counted, if any Member enters and says that he must exercise his right, how can I shut out ? The only occasion of closing of the door is under rule 307 when there is a debate and with regard to limited matter and the opinion of the House is to be ascertained. Further, I do not think that such a contingency will arise or closing of the doors is needed when we re-do it. With these observations, I will do the whole thing afresh.

(MR. SPEAKER)

Now, I will put Sri Vishvanatha Reddy's motion.

The question is:

"That Sri Sharangouda be elected as Deputy Speaker of the Legislative Assembly."

I think the "Noes' have it...—

Sri H. SIDDAVEERAPPA.—I press for a division.

MR. SPEAKER.—All right ; let the Bell be rung.

(The Division Bell was rung)

MR. SPEAKER.—The question is:

"That Sri Sharangouda be elected as Deputy Speaker of the Legislative Assembly:"

I think the 'Noes' have it.....

Sri N. HUCHMASTHY GOWDA (Huliyurdurga).—I press for a division.

(Counting was taken)

MR. SPEAKER.—Result are as under :—

Ayes : 66, Noes 96 ;

The Motion is lost.

The motion was negatived.

Now I will put the next motion. The procedure will be the same.

The question is :

"That Sri D. Munjunath be elected as Deputy Speaker of the Legislative Assembly."

Those that are in favour of the motion will say Aye and those that are aginst the motion will say "No."

2·00 P. M.

I think the Ayes have it, I think the Ayes...

Sri H. SIDDAVEERAPPA.—I press for a division.

MR. SPEAKER.—The bell may be rung.

(The Bell was rung for two minutes.)

MR. SPEAKER.—I will put the motion.

The question is :

"That Sri D. Munjunath be elected as Deputy Speaker of the Legislative Assembly."

Those that are in favour of the motion will say Aye and those that are aginst the motion will say "No."

I think the Ayes have it, I think the Ayes...

Sri H. SIDDAVEERAPPA.—I press for a division.

MR. SPEAKER.—Those that are in favour of the motion will kindly stand up.

(Counting was taken)

Mr. SPEAKER.—Those that are against the motion will kindly to stand up.

(*Counting was taken*)

The result of counting is as follows.

Ayes–97

Noes–67

The motion is adopted.

Sri D.Manjunath is elected as Deputy Speaker. There is a slight formality. The mover and the seconder of the motion will lead the Hon'ble Sri D. Manjunath who has been elected as Deputy Speaker and induct him to his seat.

The Deputy Speaker was lead to his seat and he occupied his seat.

MYSORE APPROPRIATION BILL, 1967

Introduction

Mr. SPEAKER.—We will take up the next item on the Agenda that is the Introduction of Bill.

Sri RAMAKRISHNA HEGDE (Minister for finance and Planning).—Sir, I beg to introduce the Mysore Appropriation Bill, 1967.

Mr. SPEAKER.—The Mysore Appropriation Bill, 1967, is introduced.

We shall have it tomorrow. There was a request that we shall not sit on the 30th instant. I want to know whether we should sit to-morrow in the morning.

Sri S. NIJALINGAPPA (Chief Minister).—We are always entirely in your hands. We will abide by whatever you decide.

Mr. SPEAKER.—To-morrow we will work in the morning. If we are not able to close and find anything standing, we shall sit in the afternoon.

FIRST REPORT OF THE BUSINESS ADVISORY COMMITTEE

Mr. SPEAKER.—I beg to present the first report of the Business Advisory Committee and request the House to adopt it.

The report of the First Business Advisory Committee was adopted.

Now the Debate begins.